

REMARKS/ARGUMENTS

Reconsideration of this application and entry of the foregoing amendments are respectfully requested.

The specification has been amended to include SEQ ID NO:8 after the reference to Fig. 1F. The specification has been further amended to capitalize TAQMAN and to include generic terminology. The specification has also been revised to remove embedded hyperlinks.

The claims have been revised to define the invention with additional clarity. The claims as submitted are fully supported by an enabling disclosure. Claim 10 has been cancelled without prejudice. That claims have been revised/cancelled should not be taken as an indication that Applicants agree with any position taken by the Examiner. Indeed, Applicants reserve the right to introduce claims of broader scope into the present application via the filing of a Supplemental Amendment. Applicants also reserve the right to pursue any subject matter deleted here in a continuation application.

The Abstract has been revised to describe the elected invention.

Submitted herewith is an oath/declaration which should be substituted for that originally filed.

Claims 9, 10 and 12-18 stand rejected under 35 USC 112, first paragraph, as allegedly failing to comply with the written description requirement. Withdrawal of the rejection is submitted to be in order in view of the above-noted claim revisions. Reconsideration is requested.

Claims 9, 10 and 12-18 stand rejected under 35 USC 112, first paragraph, as allegedly being non-enabled. Withdrawal of the rejection is submitted to be in order in view of the above-noted claim revisions. Reconsideration is requested.

Claims 9, 10, 12-14 and 16-18 stand rejected under 35 USC 102(a) as allegedly being anticipated by WO 03/029436. The claims have been revised to make reference to the sequence of SEQ ID NO:21. Accordingly, withdrawal of the rejection is in order and the same is requested.

Claims 9, 10, 12-14 and 16 stand rejected under 35 USC 102(a) as allegedly being anticipated by Chalupny et al. The claims have been revised to make reference to the sequence of SEQ ID NO:21. Accordingly, reconsideration is requested.

Claims 9, 10, 12-14 and 16 stand rejected under 35 USC 102(a) as allegedly being anticipated by Conejo-Garcia et al. The claims have been revised to make reference to the sequence of SEQ ID NO:21. Accordingly, reconsideration is requested.

Claims 9, 10, 12-14 and 16-18 stand rejected under 35 USC 102(e) as allegedly being anticipated by US 2003/0195337. Withdrawal of the rejection is submitted to be in order in view of the above-noted claim revisions. Reconsideration is requested.

Claims 9, 10 and 12-16 stand rejected under 35 USC 103 as allegedly being obvious over Conejo-Garcia et al in view of Katabi et al. Withdrawal of the rejection is submitted to be in order in view of the above-noted claim revisions. Reconsideration is requested.

Claims 9, 10, 12-14 and 16-18 stand rejected under 35 USC 103 as allegedly being obvious over Conejo-Garcia et al in view of Searle. Withdrawal of the rejection is in order in view of the above claim revisions. Reconsideration is requested.

Claims 9, 10 and 12 and 18 stand rejected under 35 USC 103(a) as allegedly being obvious over WO 03/029436 in view of Katabi et al. Withdrawal of the rejection is submitted to be in order in view of the above-noted claim revisions. Reconsideration is requested.

Claims 9, 10 and 12-18 stand rejected under 35 USC 103 as allegedly being obvious over Chalupny et al in view of Katabi et al and Conejo-Garcia et al and Searle. Withdrawal of the rejection is in order in view of the above claim revisions. Reconsideration is requested.

Claims 9, 10 and 12-18 stand objected to on the basis of an informality. Withdrawal of the objection is in order in view of the above-noted claim revisions. Reconsideration is requested.

This application is submitted to be in condition for allowance and a Notice to that effect is requested.

Respectfully submitted,

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